



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5877

Introduced 2/16/2012, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

See Index

Creates the Judicial Privacy Act, which may be referred to as the Michael Lefkow and Donna Humphrey Judicial Privacy Improvement Act of 2012. Prohibits a person, business, association, or government agency from publicly posting or displaying the personal information of a judicial officer, 3 days after the officer has made a written request to not post or display the personal information. Allows for injunctive or declaratory relief. Prohibits a person, business, or association from soliciting, selling, or trading on the Internet a judicial officer's personal information with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the officer's immediate family. Allows for treble civil damages of not less than \$10,000. Makes it a Class 3 felony to knowingly post personal information of a judicial officer or the officer's immediate family, if the person knows or reasonably should know the posting poses an imminent and serious threat to the health and safety of the officer or the officer's immediate family, and the posting is a proximate cause of bodily injury or death of the judicial officer or a member of the officer's immediate family. Provides an exemption from the felony offense for employees of a government agency acting in good faith, while carrying out a public function. Amends the Freedom of Information Act. Excludes personal information of a judicial officer covered by the Judicial Privacy Act from being included as a public record under the Freedom of Information Act, and from inspection or copying under the Act. Amends the Election Code. Establishes procedure for the State Board of Elections to redact a judicial candidate's home address from the candidate's certificate of nomination or nomination papers, after conclusion of the Code's objection period. Establishes procedure for the Secretary of State to redact a judicial candidate's home address from the candidate's declaration for retention. Amends the Vehicle Code. Provides that the Secretary of State may allow an applicant who is a judicial officer to provide an office or work address instead of a residence or mailing address on a driver's license. Provides that the Secretary of State shall adopt rules to implement the new provisions. Effective immediately.

LRB097 20200 MRW 66038 b

1 AN ACT concerning the judiciary, which may be referred to
2 as the Michael Lefkow and Donna Humphrey Judicial Privacy
3 Improvement Act of 2012.

4 **Be it enacted by the People of the State of Illinois,**
5 **represented in the General Assembly:**

6 ARTICLE I. GENERAL PROVISIONS

7 Section 1-1. Short title. This Act may be cited as the
8 Judicial Privacy Act.

9 Section 1-5. Purpose. The purpose of this Act is to improve
10 the safety and security of Illinois's judicial officers to
11 ensure that they are able to administer justice fairly without
12 fear of personal reprisal from individuals affected by the
13 decisions they make in the course of carrying out their public
14 function.

15 This Act is not intended to restrain a judicial officer
16 from independently making public his or her own personal
17 information. Additionally, no government agency, person,
18 business, or association has any obligation under this Act to
19 protect the privacy of a judicial officer's personal
20 information until the judicial officer makes a written request
21 that the personal information not be publicly posted.

22 Nothing in this Act shall be construed to impair free

1 access to decisions and opinions expressed by judicial officers
2 in the course of carrying out their public functions.

3 Section 1-10. Definitions. As used in this Act:

4 "Government agency" includes all agencies, authorities,
5 boards, commissions, departments, institutions, offices, and
6 any other bodies politic and corporate of the State created by
7 the constitution or statute, whether in the executive,
8 judicial, or legislative branch; all units and corporate
9 outgrowths created by executive order of the Governor or any
10 constitutional officer, by the Supreme Court, or by resolution
11 of the General Assembly; or agencies, authorities, boards,
12 commissions, departments, institutions, offices, and any other
13 bodies politic and corporate of a unit of local government,
14 school district, or special district.

15 "Home address" includes a judicial officer's permanent
16 residence and any secondary residences affirmatively
17 identified by the judicial officer, but does not include a
18 judicial officer's work address.

19 "Immediate family" includes a judicial officer's spouse,
20 child, or parent or any blood relative of the judicial officer
21 or the judicial officer's spouse who lives in the same
22 residence.

23 "Judicial officer" includes:

24 (1) Justices of the United States Supreme Court and the
25 Illinois Supreme Court;

- 1 (2) Judges of the United States Court of Appeals;
- 2 (3) Judges and magistrate judges of the United States
- 3 District Court;
- 4 (4) Judges of the United States Bankruptcy Court;
- 5 (5) Judges of the Illinois Appellate Court; and
- 6 (6) Judges and associate judges of the Illinois Circuit
- 7 Courts.

8 "Personal information" means a home address, home

9 telephone number, mobile telephone or pager number, personal

10 email address, social security number, federal tax

11 identification number, checking and savings account numbers,

12 credit card numbers, marital status, and identity of children

13 under the age of 18.

14 "Publicly available content" means any written, printed,

15 or electronic matter that provides information or that serves

16 as a document or record maintained, controlled, or in the

17 possession of a government agency. "Publicly available

18 content" includes documents or records that may be obtained by

19 any person or entity: from the Internet; from the government

20 agency upon request, either free of charge or for a fee; or in

21 response to a request under the Freedom of Information Act.

22 "Publicly post" or "publicly display" means to communicate

23 to another or otherwise make available to the general public.

24 "Written request" means written notice signed by a judicial

25 officer or a representative of the judicial officer's employer

26 requesting a government agency, person, business, or

1 association to refrain from posting or displaying publicly
2 available content that includes the judicial officer's
3 personal information.

4 ARTICLE II. CIVIL PROVISIONS

5 Section 2-1. Publicly posting or displaying a judicial
6 officer's personal information by government agencies.

7 (a) Government agencies shall not publicly post or display
8 publicly available content that includes a judicial officer's
9 personal information, provided that the judicial officer makes
10 a written request to the government agency that it refrain from
11 disclosing the personal information. After a government agency
12 has received a written request from a judicial officer to
13 protect the privacy of the officer's personal information, that
14 agency shall remove the judicial officer's personal
15 information from publicly available content within 5 business
16 days. After the government agency has removed the judicial
17 officer's personal information from publicly available
18 content, it shall refrain from publicly posting or displaying
19 the information until it has received consent from the judicial
20 officer.

21 (b) Redress. If a government agency fails to comply with a
22 judicial officer's demand to keep private personal
23 information, the officer may bring an action seeking injunctive
24 or declaratory relief in any court of competent jurisdiction.

1 Section 2-5. Publicly posting a judicial officer's
2 personal information on the Internet by persons, businesses,
3 and associations.

4 (a) Prohibited Conduct.

5 (1) All persons, businesses, and associations shall
6 refrain from publicly posting or displaying on the Internet
7 publicly available content that includes a judicial
8 officer's personal information, provided that the judicial
9 officer has made a written request to the person, business,
10 or association that it refrain from disclosing the personal
11 information.

12 (2) No person, business, or association shall solicit,
13 sell, or trade on the Internet a judicial officer's
14 personal information with the intent to pose an imminent
15 and serious threat to the health and safety of the judicial
16 officer or the judicial officer's immediate family.

17 (3) This subsection includes, but is not limited to,
18 Internet phone directories, Internet search engines,
19 Internet data aggregators, and Internet service providers.

20 (b) Required Conduct.

21 (1) After a person, business, or association has
22 received a written request from a judicial officer to
23 protect the privacy of the officer's personal information,
24 that person, business, or association shall have 72 hours
25 to remove the personal information from the Internet.

1 (2) After a person, business, or association has
2 received a written request from a judicial officer, that
3 person, business, or association shall ensure that the
4 judicial officer's personal information is not made
5 available on any website or subsidiary website controlled
6 by that person, business, or association.

7 (3) After receiving a judicial officer's written
8 request, no person, business, or association shall
9 transfer the judicial officer's personal information to
10 any other person, business, or association through any
11 medium.

12 (c) Redress.

13 A judicial officer whose personal information is made
14 public as a result of a violation of this Act may bring an
15 action seeking injunctive or declaratory relief in any
16 court of competent jurisdiction. If the court grants
17 injunctive or declaratory relief, the person, business, or
18 association responsible for the violation shall be
19 required to pay the judicial officer's costs and reasonable
20 attorney's fees.

21 Section 2-10. Procedure for completing a written request.

22 (a) Requirement that a judicial officer make a written
23 request. No government agency, person, business, or
24 association shall be found to have violated any provision of
25 this Act if the judicial officer fails to submit a written

1 request calling for the protection of the officer's personal
2 information.

3 (b) Duration.

4 A judicial officer's written request is valid until the
5 judicial officer provides the government agency, person,
6 business, or association with written permission to
7 release the private information. A judicial officer's
8 written request expires on death.

9 (c) Information to be included in the written request.

10 A judicial officer's written request shall specify
11 what personal information shall be maintained private.

12 If a judicial officer wishes to identify a secondary
13 residence as a home address as that term is defined in this
14 Act, such a designation shall be made in the written
15 request.

16 A judicial officer shall disclose the identity of the
17 officer's immediate family and indicate that the personal
18 information of these family members shall also be excluded
19 to the extent that it could reasonably be expected to
20 reveal the personal information of the judicial officer.

21 (d) Completion by judicial officer's employer. A
22 representative from the judicial officer's employer may submit
23 a written request on the judicial officer's behalf, provided
24 that the judicial officer gives written consent to the
25 representative and provided that the representative agrees to
26 furnish a copy of that consent when a written request is made.

1 ARTICLE III. CRIMINAL PROVISIONS

2 Section 3-1. Unlawful publication of personal information.
3 It is unlawful for any person to knowingly publicly post on the
4 Internet the personal information of a judicial officer or of
5 the judicial officer's immediate family if the person knows or
6 reasonably should know that publicly posting the personal
7 information poses an imminent and serious threat to the health
8 and safety of the judicial officer or the judicial officer's
9 immediate family, and the violation is a proximate cause of
10 bodily injury or death of the judicial officer or a member of
11 the judicial officer's immediate family. A person who violates
12 this Section is guilty of a Class 3 felony.

13 Section 3-5. Exceptions for employees of government
14 agencies. Provided that the employee of a government agency has
15 complied with the conditions set forth in Article II of this
16 Act, it is not a violation of Section 3-1 if an employee of a
17 government agency publishes personal information, in good
18 faith, on the website of the government agency in the ordinary
19 course of carrying out public functions.

20 ARTICLE IV. MISCELLANEOUS

21 Section 4-1. Construction. This Act and any rules adopted

1 to implement this Act shall be construed broadly to favor the
2 protection of the personal information of judicial officers.

3 Section 4-5. Severability. If any part of this Act or its
4 application to any person or circumstance is adjudged invalid,
5 such adjudication or application shall not affect the validity
6 of this Act as a whole or of any other part.

7 Section 4-10. The Freedom of Information Act is amended by
8 changing Sections 2 and 7 as follows:

9 (5 ILCS 140/2) (from Ch. 116, par. 202)

10 Sec. 2. Definitions. As used in this Act:

11 (a) "Public body" means all legislative, executive,
12 administrative, or advisory bodies of the State, state
13 universities and colleges, counties, townships, cities,
14 villages, incorporated towns, school districts and all other
15 municipal corporations, boards, bureaus, committees, or
16 commissions of this State, any subsidiary bodies of any of the
17 foregoing including but not limited to committees and
18 subcommittees thereof, and a School Finance Authority created
19 under Article 1E of the School Code. "Public body" does not
20 include a child death review team or the Illinois Child Death
21 Review Teams Executive Council established under the Child
22 Death Review Team Act.

23 (b) "Person" means any individual, corporation,

1 partnership, firm, organization or association, acting
2 individually or as a group.

3 (c) "Public records" means all records, reports, forms,
4 writings, letters, memoranda, books, papers, maps,
5 photographs, microfilms, cards, tapes, recordings, electronic
6 data processing records, electronic communications, recorded
7 information and all other documentary materials pertaining to
8 the transaction of public business, regardless of physical form
9 or characteristics, having been prepared by or for, or having
10 been or being used by, received by, in the possession of, or
11 under the control of any public body. Nothing in this
12 definition shall be construed to include personal information
13 concerning judicial officers as that information is defined in
14 the Judicial Privacy Act.

15 (c-5) "Private information" means unique identifiers,
16 including a person's social security number, driver's license
17 number, employee identification number, biometric identifiers,
18 personal financial information, passwords or other access
19 codes, medical records, home or personal telephone numbers, and
20 personal email addresses. Private information also includes
21 home address and personal license plates, except as otherwise
22 provided by law or when compiled without possibility of
23 attribution to any person.

24 (c-10) "Commercial purpose" means the use of any part of a
25 public record or records, or information derived from public
26 records, in any form for sale, resale, or solicitation or

1 advertisement for sales or services. For purposes of this
2 definition, requests made by news media and non-profit,
3 scientific, or academic organizations shall not be considered
4 to be made for a "commercial purpose" when the principal
5 purpose of the request is (i) to access and disseminate
6 information concerning news and current or passing events, (ii)
7 for articles of opinion or features of interest to the public,
8 or (iii) for the purpose of academic, scientific, or public
9 research or education.

10 (d) "Copying" means the reproduction of any public record
11 by means of any photographic, electronic, mechanical or other
12 process, device or means now known or hereafter developed and
13 available to the public body.

14 (e) "Head of the public body" means the president, mayor,
15 chairman, presiding officer, director, superintendent,
16 manager, supervisor or individual otherwise holding primary
17 executive and administrative authority for the public body, or
18 such person's duly authorized designee.

19 (f) "News media" means a newspaper or other periodical
20 issued at regular intervals whether in print or electronic
21 format, a news service whether in print or electronic format, a
22 radio station, a television station, a television network, a
23 community antenna television service, or a person or
24 corporation engaged in making news reels or other motion
25 picture news for public showing.

26 (g) "Recurrent requester", as used in Section 3.2 of this

1 Act, means a person that, in the 12 months immediately
2 preceding the request, has submitted to the same public body
3 (i) a minimum of 50 requests for records, (ii) a minimum of 15
4 requests for records within a 30-day period, or (iii) a minimum
5 of 7 requests for records within a 7-day period. For purposes
6 of this definition, requests made by news media and non-profit,
7 scientific, or academic organizations shall not be considered
8 in calculating the number of requests made in the time periods
9 in this definition when the principal purpose of the requests
10 is (i) to access and disseminate information concerning news
11 and current or passing events, (ii) for articles of opinion or
12 features of interest to the public, or (iii) for the purpose of
13 academic, scientific, or public research or education.

14 For the purposes of this subsection (g), "request" means a
15 written document (or oral request, if the public body chooses
16 to honor oral requests) that is submitted to a public body via
17 personal delivery, mail, telefax, electronic mail, or other
18 means available to the public body and that identifies the
19 particular public record the requester seeks. One request may
20 identify multiple records to be inspected or copied.

21 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10;
22 96-1000, eff. 7-2-10; 97-579, eff. 8-26-11.)

23 (5 ILCS 140/7) (from Ch. 116, par. 207)

24 Sec. 7. Exemptions.

25 (1) When a request is made to inspect or copy a public

1 record that contains information that is exempt from disclosure
2 under this Section, but also contains information that is not
3 exempt from disclosure, the public body may elect to redact the
4 information that is exempt. The public body shall make the
5 remaining information available for inspection and copying.
6 Subject to this requirement, the following shall be exempt from
7 inspection and copying:

8 (a) Information specifically prohibited from
9 disclosure by federal or State law or rules and regulations
10 implementing federal or State law.

11 (b) Private information, unless disclosure is required
12 by another provision of this Act, a State or federal law or
13 a court order.

14 (b-5) Files, documents, and other data or databases
15 maintained by one or more law enforcement agencies and
16 specifically designed to provide information to one or more
17 law enforcement agencies regarding the physical or mental
18 status of one or more individual subjects.

19 (c) Personal information contained within public
20 records, the disclosure of which would constitute a clearly
21 unwarranted invasion of personal privacy, unless the
22 disclosure is consented to in writing by the individual
23 subjects of the information. "Unwarranted invasion of
24 personal privacy" means the disclosure of information that
25 is highly personal or objectionable to a reasonable person
26 and in which the subject's right to privacy outweighs any

1 legitimate public interest in obtaining the information.
2 The disclosure of information that bears on the public
3 duties of public employees and officials shall not be
4 considered an invasion of personal privacy.

5 (d) Records in the possession of any public body
6 created in the course of administrative enforcement
7 proceedings, and any law enforcement or correctional
8 agency for law enforcement purposes, but only to the extent
9 that disclosure would:

10 (i) interfere with pending or actually and
11 reasonably contemplated law enforcement proceedings
12 conducted by any law enforcement or correctional
13 agency that is the recipient of the request;

14 (ii) interfere with active administrative
15 enforcement proceedings conducted by the public body
16 that is the recipient of the request;

17 (iii) create a substantial likelihood that a
18 person will be deprived of a fair trial or an impartial
19 hearing;

20 (iv) unavoidably disclose the identity of a
21 confidential source, confidential information
22 furnished only by the confidential source, or persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement, or
25 penal agencies; except that the identities of
26 witnesses to traffic accidents, traffic accident

1 reports, and rescue reports shall be provided by
2 agencies of local government, except when disclosure
3 would interfere with an active criminal investigation
4 conducted by the agency that is the recipient of the
5 request;

6 (v) disclose unique or specialized investigative
7 techniques other than those generally used and known or
8 disclose internal documents of correctional agencies
9 related to detection, observation or investigation of
10 incidents of crime or misconduct, and disclosure would
11 result in demonstrable harm to the agency or public
12 body that is the recipient of the request;

13 (vi) endanger the life or physical safety of law
14 enforcement personnel or any other person; or

15 (vii) obstruct an ongoing criminal investigation
16 by the agency that is the recipient of the request.

17 (e) Records that relate to or affect the security of
18 correctional institutions and detention facilities.

19 (f) Preliminary drafts, notes, recommendations,
20 memoranda and other records in which opinions are
21 expressed, or policies or actions are formulated, except
22 that a specific record or relevant portion of a record
23 shall not be exempt when the record is publicly cited and
24 identified by the head of the public body. The exemption
25 provided in this paragraph (f) extends to all those records
26 of officers and agencies of the General Assembly that

1 pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial
3 information obtained from a person or business where the
4 trade secrets or commercial or financial information are
5 furnished under a claim that they are proprietary,
6 privileged or confidential, and that disclosure of the
7 trade secrets or commercial or financial information would
8 cause competitive harm to the person or business, and only
9 insofar as the claim directly applies to the records
10 requested.

11 The information included under this exemption includes
12 all trade secrets and commercial or financial information
13 obtained by a public body, including a public pension fund,
14 from a private equity fund or a privately held company
15 within the investment portfolio of a private equity fund as
16 a result of either investing or evaluating a potential
17 investment of public funds in a private equity fund. The
18 exemption contained in this item does not apply to the
19 aggregate financial performance information of a private
20 equity fund, nor to the identity of the fund's managers or
21 general partners. The exemption contained in this item does
22 not apply to the identity of a privately held company
23 within the investment portfolio of a private equity fund,
24 unless the disclosure of the identity of a privately held
25 company may cause competitive harm.

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or
4 agreement, including information which if it were
5 disclosed would frustrate procurement or give an advantage
6 to any person proposing to enter into a contractor
7 agreement with the body, until an award or final selection
8 is made. Information prepared by or for the body in
9 preparation of a bid solicitation shall be exempt until an
10 award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,
12 designs, drawings and research data obtained or produced by
13 any public body when disclosure could reasonably be
14 expected to produce private gain or public loss. The
15 exemption for "computer geographic systems" provided in
16 this paragraph (i) does not extend to requests made by news
17 media as defined in Section 2 of this Act when the
18 requested information is not otherwise exempt and the only
19 purpose of the request is to access and disseminate
20 information regarding the health, safety, welfare, or
21 legal rights of the general public.

22 (j) The following information pertaining to
23 educational matters:

24 (i) test questions, scoring keys and other
25 examination data used to administer an academic
26 examination;

1 (ii) information received by a primary or
2 secondary school, college, or university under its
3 procedures for the evaluation of faculty members by
4 their academic peers;

5 (iii) information concerning a school or
6 university's adjudication of student disciplinary
7 cases, but only to the extent that disclosure would
8 unavoidably reveal the identity of the student; and

9 (iv) course materials or research materials used
10 by faculty members.

11 (k) Architects' plans, engineers' technical
12 submissions, and other construction related technical
13 documents for projects not constructed or developed in
14 whole or in part with public funds and the same for
15 projects constructed or developed with public funds,
16 including but not limited to power generating and
17 distribution stations and other transmission and
18 distribution facilities, water treatment facilities,
19 airport facilities, sport stadiums, convention centers,
20 and all government owned, operated, or occupied buildings,
21 but only to the extent that disclosure would compromise
22 security.

23 (1) Minutes of meetings of public bodies closed to the
24 public as provided in the Open Meetings Act until the
25 public body makes the minutes available to the public under
26 Section 2.06 of the Open Meetings Act.

1 (m) Communications between a public body and an
2 attorney or auditor representing the public body that would
3 not be subject to discovery in litigation, and materials
4 prepared or compiled by or for a public body in
5 anticipation of a criminal, civil or administrative
6 proceeding upon the request of an attorney advising the
7 public body, and materials prepared or compiled with
8 respect to internal audits of public bodies.

9 (n) Records relating to a public body's adjudication of
10 employee grievances or disciplinary cases; however, this
11 exemption shall not extend to the final outcome of cases in
12 which discipline is imposed.

13 (o) Administrative or technical information associated
14 with automated data processing operations, including but
15 not limited to software, operating protocols, computer
16 program abstracts, file layouts, source listings, object
17 modules, load modules, user guides, documentation
18 pertaining to all logical and physical design of
19 computerized systems, employee manuals, and any other
20 information that, if disclosed, would jeopardize the
21 security of the system or its data or the security of
22 materials exempt under this Section.

23 (p) Records relating to collective negotiating matters
24 between public bodies and their employees or
25 representatives, except that any final contract or
26 agreement shall be subject to inspection and copying.

1 (q) Test questions, scoring keys, and other
2 examination data used to determine the qualifications of an
3 applicant for a license or employment.

4 (r) The records, documents, and information relating
5 to real estate purchase negotiations until those
6 negotiations have been completed or otherwise terminated.
7 With regard to a parcel involved in a pending or actually
8 and reasonably contemplated eminent domain proceeding
9 under the Eminent Domain Act, records, documents and
10 information relating to that parcel shall be exempt except
11 as may be allowed under discovery rules adopted by the
12 Illinois Supreme Court. The records, documents and
13 information relating to a real estate sale shall be exempt
14 until a sale is consummated.

15 (s) Any and all proprietary information and records
16 related to the operation of an intergovernmental risk
17 management association or self-insurance pool or jointly
18 self-administered health and accident cooperative or pool.
19 Insurance or self insurance (including any
20 intergovernmental risk management association or self
21 insurance pool) claims, loss or risk management
22 information, records, data, advice or communications.

23 (t) Information contained in or related to
24 examination, operating, or condition reports prepared by,
25 on behalf of, or for the use of a public body responsible
26 for the regulation or supervision of financial

1 institutions or insurance companies, unless disclosure is
2 otherwise required by State law.

3 (u) Information that would disclose or might lead to
4 the disclosure of secret or confidential information,
5 codes, algorithms, programs, or private keys intended to be
6 used to create electronic or digital signatures under the
7 Electronic Commerce Security Act.

8 (v) Vulnerability assessments, security measures, and
9 response policies or plans that are designed to identify,
10 prevent, or respond to potential attacks upon a community's
11 population or systems, facilities, or installations, the
12 destruction or contamination of which would constitute a
13 clear and present danger to the health or safety of the
14 community, but only to the extent that disclosure could
15 reasonably be expected to jeopardize the effectiveness of
16 the measures or the safety of the personnel who implement
17 them or the public. Information exempt under this item may
18 include such things as details pertaining to the
19 mobilization or deployment of personnel or equipment, to
20 the operation of communication systems or protocols, or to
21 tactical operations.

22 (w) (Blank).

23 (x) Maps and other records regarding the location or
24 security of generation, transmission, distribution,
25 storage, gathering, treatment, or switching facilities
26 owned by a utility, by a power generator, or by the

1 Illinois Power Agency.

2 (y) Information contained in or related to proposals,
3 bids, or negotiations related to electric power
4 procurement under Section 1-75 of the Illinois Power Agency
5 Act and Section 16-111.5 of the Public Utilities Act that
6 is determined to be confidential and proprietary by the
7 Illinois Power Agency or by the Illinois Commerce
8 Commission.

9 (z) Information about students exempted from
10 disclosure under Sections 10-20.38 or 34-18.29 of the
11 School Code, and information about undergraduate students
12 enrolled at an institution of higher education exempted
13 from disclosure under Section 25 of the Illinois Credit
14 Card Marketing Act of 2009.

15 (aa) Information the disclosure of which is exempted
16 under the Viatical Settlements Act of 2009.

17 (bb) Records and information provided to a mortality
18 review team and records maintained by a mortality review
19 team appointed under the Department of Juvenile Justice
20 Mortality Review Team Act.

21 (cc) Information regarding interments, entombments, or
22 inurnments of human remains that are submitted to the
23 Cemetery Oversight Database under the Cemetery Care Act or
24 the Cemetery Oversight Act, whichever is applicable.

25 (dd) Correspondence and records (i) that may not be
26 disclosed under Section 11-9 of the Public Aid Code or (ii)

1 that pertain to appeals under Section 11-8 of the Public
2 Aid Code.

3 (ee) ~~(dd)~~ The names, addresses, or other personal
4 information of persons who are minors and are also
5 participants and registrants in programs of park
6 districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations.

9 (ff) ~~(ee)~~ The names, addresses, or other personal
10 information of participants and registrants in programs of
11 park districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations where such programs are targeted primarily to
14 minors.

15 (gg) Information exempted under the Judicial Privacy
16 Act shall be redacted from public records prior to
17 disclosure.

18 (2) A public record that is not in the possession of a
19 public body but is in the possession of a party with whom the
20 agency has contracted to perform a governmental function on
21 behalf of the public body, and that directly relates to the
22 governmental function and is not otherwise exempt under this
23 Act, shall be considered a public record of the public body,
24 for purposes of this Act.

25 (3) This Section does not authorize withholding of
26 information or limit the availability of records to the public,

1 except as stated in this Section or otherwise provided in this
2 Act.

3 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;
4 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;
5 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.
6 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; revised
7 9-2-11.)

8 Section 4-15. The Election Code is amended by changing
9 Section 7A-1 and by adding Section 10-10.5 as follows:

10 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

11 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
12 been elected to that office and who seeks to be retained in
13 that office under subsection (d) of Section 12 of Article VI of
14 the Constitution shall file a declaration of candidacy to
15 succeed himself in the office of the Secretary of State not
16 less than 6 months before the general election preceding the
17 expiration of his term of office. Within 3 business days
18 thereafter, the Secretary of State shall certify to the State
19 Board of Elections the names of all incumbent judges who were
20 eligible to stand for retention at the next general election
21 but failed to timely file a declaration of candidacy to succeed
22 themselves in office or, having timely filed such a
23 declaration, withdrew it. The State Board of Elections may rely
24 upon the certification from the Secretary of State (a) to

1 determine when vacancies in judicial office exist and (b) to
2 determine the judicial positions for which elections will be
3 held. The Secretary of State, not less than 63 days before the
4 election, shall certify the Judge's candidacy to the proper
5 election officials. The names of Judges seeking retention shall
6 be submitted to the electors, separately and without party
7 designation, on the sole question whether each Judge shall be
8 retained in office for another term. The retention elections
9 shall be conducted at general elections in the appropriate
10 Judicial District, for Supreme and Appellate Judges, and in the
11 circuit for Circuit Judges. The affirmative vote of
12 three-fifths of the electors voting on the question shall elect
13 the Judge to the office for a term commencing on the first
14 Monday in December following his election.

15 Upon certification of a Judge's candidacy for retention by
16 the Secretary of State, the judicial candidate may file a
17 written request with the Secretary of State for redaction of
18 the judicial candidate's home address information from the
19 candidate's declaration of candidacy for retention. After
20 receipt of the candidate's written request, the Secretary of
21 State shall redact or cause redaction of the judicial
22 candidate's home address from the candidate's declaration of
23 candidacy for retention within 5 business days. For the
24 purposes of this subsection, "home address" has the meaning as
25 defined in Section 1-10 of the Judicial Privacy Act.

26 (Source: P.A. 96-886, eff. 1-1-11.)

1 (10 ILCS 5/10-10.5 new)

2 Sec. 10-10.5. Candidate for judicial office removal of
3 address information. Upon expiration of the period for filing
4 an objection to a judicial candidate's certificate of
5 nomination or nomination papers, the judicial candidate may
6 file a written request with the State Board of Elections for
7 redaction of the judicial candidate's home address information
8 from the candidate's certificate of nomination or nomination
9 papers. After receipt of the candidate's written request, the
10 State Board of Elections shall redact or cause redaction of the
11 judicial candidate's home address from the candidate's
12 certificate of nomination or nomination papers within 5
13 business days. For the purposes of this subsection, "home
14 address" has the meaning as defined in Section 1-10 of the
15 Judicial Privacy Act.

16 Section 4-20. The Illinois Vehicle Code is amended by
17 changing Sections 6-106 and 6-110 as follows:

18 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

19 Sec. 6-106. Application for license or instruction permit.

20 (a) Every application for any permit or license authorized
21 to be issued under this Act shall be made upon a form furnished
22 by the Secretary of State. Every application shall be
23 accompanied by the proper fee and payment of such fee shall

1 entitle the applicant to not more than 3 attempts to pass the
2 examination within a period of 1 year after the date of
3 application.

4 (b) Every application shall state the legal name, social
5 security number, zip code, date of birth, sex, and residence
6 address of the applicant; briefly describe the applicant; state
7 whether the applicant has theretofore been licensed as a
8 driver, and, if so, when and by what state or country, and
9 whether any such license has ever been cancelled, suspended,
10 revoked or refused, and, if so, the date and reason for such
11 cancellation, suspension, revocation or refusal; shall include
12 an affirmation by the applicant that all information set forth
13 is true and correct; and shall bear the applicant's signature.
14 In addition to the residence address, the Secretary may allow
15 the applicant to provide a mailing address. In the case of an
16 applicant who is a judicial officer, the Secretary may allow
17 the applicant to provide an office or work address in lieu of a
18 residence or mailing address. The application form may also
19 require the statement of such additional relevant information
20 as the Secretary of State shall deem necessary to determine the
21 applicant's competency and eligibility. The Secretary of State
22 may, in his discretion, by rule or regulation, provide that an
23 application for a drivers license or permit may include a
24 suitable photograph of the applicant in the form prescribed by
25 the Secretary, and he may further provide that each drivers
26 license shall include a photograph of the driver. The Secretary

1 of State may utilize a photograph process or system most
2 suitable to deter alteration or improper reproduction of a
3 drivers license and to prevent substitution of another photo
4 thereon.

5 (c) The application form shall include a notice to the
6 applicant of the registration obligations of sex offenders
7 under the Sex Offender Registration Act. The notice shall be
8 provided in a form and manner prescribed by the Secretary of
9 State. For purposes of this subsection (c), "sex offender" has
10 the meaning ascribed to it in Section 2 of the Sex Offender
11 Registration Act.

12 (d) Any male United States citizen or immigrant who applies
13 for any permit or license authorized to be issued under this
14 Act or for a renewal of any permit or license, and who is at
15 least 18 years of age but less than 26 years of age, must be
16 registered in compliance with the requirements of the federal
17 Military Selective Service Act. The Secretary of State must
18 forward in an electronic format the necessary personal
19 information regarding the applicants identified in this
20 subsection (d) to the Selective Service System. The applicant's
21 signature on the application serves as an indication that the
22 applicant either has already registered with the Selective
23 Service System or that he is authorizing the Secretary to
24 forward to the Selective Service System the necessary
25 information for registration. The Secretary must notify the
26 applicant at the time of application that his signature

1 constitutes consent to registration with the Selective Service
2 System, if he is not already registered.

3 (Source: P.A. 96-1231, eff. 7-23-10; 97-263, eff. 8-5-11.)

4 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

5 Sec. 6-110. Licenses issued to drivers.

6 (a) The Secretary of State shall issue to every qualifying
7 applicant a driver's license as applied for, which license
8 shall bear a distinguishing number assigned to the licensee,
9 the legal name, signature, zip code, date of birth, residence
10 address, and a brief description of the licensee.

11 Licenses issued shall also indicate the classification and
12 the restrictions under Section 6-104 of this Code.

13 A driver's license issued may, in the discretion of the
14 Secretary, include a suitable photograph of a type prescribed
15 by the Secretary.

16 (a-1) If the licensee is less than 18 years of age, unless
17 one of the exceptions in subsection (a-2) apply, the license
18 shall, as a matter of law, be invalid for the operation of any
19 motor vehicle during the following times:

20 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

21 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
22 Sunday; and

23 (C) Between 10:00 p.m. on Sunday to Thursday,
24 inclusive, and 6:00 a.m. on the following day.

25 (a-2) The driver's license of a person under the age of 18

1 shall not be invalid as described in subsection (a-1) of this
2 Section if the licensee under the age of 18 was:

3 (1) accompanied by the licensee's parent or guardian or
4 other person in custody or control of the minor;

5 (2) on an errand at the direction of the minor's parent
6 or guardian, without any detour or stop;

7 (3) in a motor vehicle involved in interstate travel;

8 (4) going to or returning home from an employment
9 activity, without any detour or stop;

10 (5) involved in an emergency;

11 (6) going to or returning home from, without any detour
12 or stop, an official school, religious, or other
13 recreational activity supervised by adults and sponsored
14 by a government or governmental agency, a civic
15 organization, or another similar entity that takes
16 responsibility for the licensee, without any detour or
17 stop;

18 (7) exercising First Amendment rights protected by the
19 United States Constitution, such as the free exercise of
20 religion, freedom of speech, and the right of assembly; or

21 (8) married or had been married or is an emancipated
22 minor under the Emancipation of Minors Act.

23 (a-2.5) The driver's license of a person who is 17 years of
24 age and has been licensed for at least 12 months is not invalid
25 as described in subsection (a-1) of this Section while the
26 licensee is participating as an assigned driver in a Safe Rides

1 program that meets the following criteria:

2 (1) the program is sponsored by the Boy Scouts of
3 America or another national public service organization;
4 and

5 (2) the sponsoring organization carries liability
6 insurance covering the program.

7 (a-3) If a graduated driver's license holder over the age
8 of 18 committed an offense against traffic regulations
9 governing the movement of vehicles or any violation of Section
10 6-107 or Section 12-603.1 of this Code in the 6 months prior to
11 the graduated driver's license holder's 18th birthday, and was
12 subsequently convicted of the offense, the provisions of
13 subsection (a-1) shall continue to apply until such time as a
14 period of 6 consecutive months has elapsed without an
15 additional violation and subsequent conviction of an offense
16 against traffic regulations governing the movement of vehicles
17 or Section 6-107 or Section 12-603.1 of this Code.

18 (a-4) If an applicant for a driver's license or instruction
19 permit has a current identification card issued by the
20 Secretary of State, the Secretary may require the applicant to
21 utilize the same residence address and name on the
22 identification card, driver's license, and instruction permit
23 records maintained by the Secretary. The Secretary may
24 promulgate rules to implement this provision.

25 (a-5) If an applicant for a driver's license is a judicial
26 officer, the applicant may elect to have his or her office or

1 work address listed on the license instead of the applicant's
2 residence or mailing address. The Secretary of State shall
3 adopt rules to implement this subsection (a-5).

4 (b) Until the Secretary of State establishes a First Person
5 Consent organ and tissue donor registry under Section 6-117 of
6 this Code, the Secretary of State shall provide a format on the
7 reverse of each driver's license issued which the licensee may
8 use to execute a document of gift conforming to the provisions
9 of the Illinois Anatomical Gift Act. The format shall allow the
10 licensee to indicate the gift intended, whether specific
11 organs, any organ, or the entire body, and shall accommodate
12 the signatures of the donor and 2 witnesses. The Secretary
13 shall also inform each applicant or licensee of this format,
14 describe the procedure for its execution, and may offer the
15 necessary witnesses; provided that in so doing, the Secretary
16 shall advise the applicant or licensee that he or she is under
17 no compulsion to execute a document of gift. A brochure
18 explaining this method of executing an anatomical gift document
19 shall be given to each applicant or licensee. The brochure
20 shall advise the applicant or licensee that he or she is under
21 no compulsion to execute a document of gift, and that he or she
22 may wish to consult with family, friends or clergy before doing
23 so. The Secretary of State may undertake additional efforts,
24 including education and awareness activities, to promote organ
25 and tissue donation.

26 (c) The Secretary of State shall designate on each driver's

1 license issued a space where the licensee may place a sticker
2 or decal of the uniform size as the Secretary may specify,
3 which sticker or decal may indicate in appropriate language
4 that the owner of the license carries an Emergency Medical
5 Information Card.

6 The sticker may be provided by any person, hospital,
7 school, medical group, or association interested in assisting
8 in implementing the Emergency Medical Information Card, but
9 shall meet the specifications as the Secretary may by rule or
10 regulation require.

11 (d) The Secretary of State shall designate on each driver's
12 license issued a space where the licensee may indicate his
13 blood type and RH factor.

14 (e) The Secretary of State shall provide that each original
15 or renewal driver's license issued to a licensee under 21 years
16 of age shall be of a distinct nature from those driver's
17 licenses issued to individuals 21 years of age and older. The
18 color designated for driver's licenses for licensees under 21
19 years of age shall be at the discretion of the Secretary of
20 State.

21 (e-1) The Secretary shall provide that each driver's
22 license issued to a person under the age of 21 displays the
23 date upon which the person becomes 18 years of age and the date
24 upon which the person becomes 21 years of age.

25 (f) The Secretary of State shall inform all Illinois
26 licensed commercial motor vehicle operators of the

1 requirements of the Uniform Commercial Driver License Act,
2 Article V of this Chapter, and shall make provisions to insure
3 that all drivers, seeking to obtain a commercial driver's
4 license, be afforded an opportunity prior to April 1, 1992, to
5 obtain the license. The Secretary is authorized to extend
6 driver's license expiration dates, and assign specific times,
7 dates and locations where these commercial driver's tests shall
8 be conducted. Any applicant, regardless of the current
9 expiration date of the applicant's driver's license, may be
10 subject to any assignment by the Secretary. Failure to comply
11 with the Secretary's assignment may result in the applicant's
12 forfeiture of an opportunity to receive a commercial driver's
13 license prior to April 1, 1992.

14 (g) The Secretary of State shall designate on a driver's
15 license issued, a space where the licensee may indicate that he
16 or she has drafted a living will in accordance with the
17 Illinois Living Will Act or a durable power of attorney for
18 health care in accordance with the Illinois Power of Attorney
19 Act.

20 (g-1) The Secretary of State, in his or her discretion, may
21 designate on each driver's license issued a space where the
22 licensee may place a sticker or decal, issued by the Secretary
23 of State, of uniform size as the Secretary may specify, that
24 shall indicate in appropriate language that the owner of the
25 license has renewed his or her driver's license.

26 (h) A person who acts in good faith in accordance with the

1 terms of this Section is not liable for damages in any civil
2 action or subject to prosecution in any criminal proceeding for
3 his or her act.

4 (Source: P.A. 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10;
5 97-263, eff. 8-5-11.)

6 Section 4-99. Effective date. This Act takes effect upon
7 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	New Act	
4	5 ILCS 140/2	from Ch. 116, par. 202
5	5 ILCS 140/7	from Ch. 116, par. 207
6	10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
7	10 ILCS 5/10-10.5 new	
8	625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
9	625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110